

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**In re:**  
**KRISJENN RANCH, LLC,**  
*Debtor*

§§§

**Chapter 11**

**Case No. 20-50805**

**KRISJENN RANCH, LLC and  
KRISJENN RANCH, LLC-SERIES  
UVALDE RANCH, and KRISJENN  
RANCH, LLC-SERIES PIPELINE  
ROW as successors in interest to  
BLACKDUCK PROPERTIES, LLC,  
*Plaintiffs***



**V.**

**DMA PROPERTIES, INC., and  
LONGBRANCH ENERGY, LP,  
*Defendants***

§  
§  
§  
§

**Adversary No. 20-05027**

**DMA PROPERTIES, INC,**  
***Cross-Plaintiff/Third Party Plaintiff***

§§

**V.**

**KRISJENN RANCH, LLC,  
KRISJENN RANCH, LLC-SERIES  
UVALDE RANCH, and KRISJENN  
RANCH, LLC-SERIES PIPELINE ROW,  
BLACK DUCK PROPERTIES, LLC,  
LARRY WRIGHT, and JOHN TERRILL  
*Cross-Defendants/Third-Party  
Defendants***

Adversary No. 20-05027

**KRISJENN RANCH, LLC, KRISJENN RANCH, LLC-SERIES UVALDE RANCH, AND  
KRISJENN RANCH, LLC-SERIES PIPELINE ROW, AS SUCCESSORS IN INTEREST TO  
BLACK DUCK PROPERTIES, LLC’S OBJECTIONS TO DMA’S EVIDENCE IN SUPPORT  
OF MOTION FOR PARTIAL SUMMARY JUDGMENT ON DMA’S OWNERSHIP  
INTEREST IN THE BIGFOOT NOTE PAYMENTS**

TO THE HONORABLE CHIEF BANKRUPTCY JUDGE RONALD B. KING:

COME NOW Debtors, Plaintiffs, and Counter-Defendants KrisJenn Ranch, LLC, KrisJenn Ranch, LLC-Series Uvalde Ranch, and KrisJenn Ranch, LLC-Series Pipeline Row (collectively

the “Debtors”), and file this Objection to DMA’s Evidence in its Motion for Partial Summary Judgment on DMA’s Ownership Interest in the Bigfoot Note Payments, and would respectfully show as follows:

### **ARGUMENT**

#### **I. DMA Failed to Authenticate its Exhibits 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13**

In response to a motion for summary judgment, “[a] party may object that the material cited to support or dispute a fact cannot be presented in a form that would be admissible in evidence.” TEX. R. CIV. P. 56(c)(2); *see Lee v. Offshore Logistical and Trasnport, LLC*, 859 F.3d 353, 355 (5th Cir. 2017) (citing FED. R. CIV. P. 56(c)(2) (“To avoid the use of materials that lack authenticity or violate other evidentiary rules, the new rules allows a party to object ‘that the material cited to support or dispute a fact cannot be presented in a form that would be admissible as evidence.’”); *see also* advisory committee’s notes to 2010 amendment (“The objection functions much as an objection at trial, adjusted for the pretrial setting. The burden is on the proponent to show that the material is admissible as presented or to explain the admissible form that is anticipated.”).

“To satisfy the requirement of authenticating or identifying an item of evidence, the proponent must produce evidence sufficient to support a finding that the item is what the proponent claims it is” FED. R. EVID. R. 901. Here, DMA failed to authenticate Exhibits 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13. The Court should sustain Debtors’ objections because the evidence DMA relies on is not authenticated and is therefore inadmissible.

WHEREFORE PREMISES CONSIDERED Debtors pray that this Court issue an order sustaining Debtors’ objections to DMA’s evidence in support of DMA Properties, Inc.’s Motion for Partial Summary Judgment on DMA’s Ownership Interest in the Bigfoot Note Payments, and for such further relief as the Court may deemed them justly entitled.

Dated: October 12, 2020.

Respectfully submitted,

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ATTORNEYS FOR DEBTORS

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served on all counsel of record by way of e-service through the CM/ECF system by notice of electronic filing or via email on the 12th day of October 2020:

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